

# **EXHIBIT B**

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, ET AL.,**  
5 **INDIVIDUALLY AND ON BEHALF OF A CLASS OF**  
6 **ALL OTHERS SIMILARLY SITUATED,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., ET AL.,**

10 Defendants.  
11 -----

12 **EXAMINATION BEFORE TRIAL**  
13 **OF MAYOR BYRON BROWN**  
14 **APPEARING REMOTELY FROM**  
15 **ERIE COUNTY, NEW YORK**

16  
17 November 6th, 2023

18 At 9:00 a.m.

19 Pursuant to notice

20  
21  
22 REPORTED BY:

23 Rebecca L. DiBello, RPR, CSR(NY)

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**R E M O T E   A P P E A R A N C E S**

APPEARING FOR THE PLAINTIFFS, BLACK LOVE  
RESISTS IN THE RUST, ET AL., INDIVIDUALLY AND  
ON BEHALF OF A CLASS OF ALL OTHERS SIMILARLY  
SITUATED:

**CENTER FOR CONSTITUTIONAL RIGHTS  
BY: A. CHINYERE EZIE, ESQ.**

666 Broadway, 7th Floor  
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APPEARING FOR THE DEFENDANTS, CITY OF BUFFALO,  
N.Y., et al.:

**HODGSON RUSS LLP**

**BY: PETER SAHASRABUDE, ESQ.,**  
140 Pearl Street  
Buffalo, New York 14202  
(716) 848-1508

ALSO PRESENT:

National Center for Law  
and Economic Justice

CLAUDIA WILNER, ESQ.

MAYA GOLDMAN, ESQ.

ANJANA MOLHOTRA, ESQ.

SHYENNE MEDINA, ESQ.

Covington & Burling, LLP

CHRISTINE NELSON, ESQ.

Center for Constitutional  
Rights

MIKAILA HERNANDEZ, ESQ.

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—MAYOR BYRON BROWN—

1 THE REPORTER: Will the attorneys  
2 participating in this deposition acknowledge  
3 that I will administer the oath remotely, and  
4 consent to waive any objections to this manner  
5 of reporting.

6 MS. EZIE: Yes.

7 MR. SAHASRABUDHE: Yes.

8  
9 **MAYOR BYRON BROWN,**

10 201 City Hall, Buffalo, New York 14202, having  
11 been first duly sworn, was examined and  
12 testified as follows:

13  
14 **EXAMINATION BY MS. EZIE:**

15 Q. Good morning again, Mayor Brown. My name is  
16 Chinyere Ezie. I'm one of the attorneys for  
17 plaintiffs and I'll be taking your deposition  
18 today. Is this the first time you've been  
19 deposed?

20 A. Yes. I'm thinking maybe not.

21 Q. Maybe not, okay.

22 A. Yeah. In my long service as mayor I'm sure  
23 that I have been deposed before probably,

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—MAYOR BYRON BROWN—

1 Q. Okay. We'll toggle back. The second question  
2 was for police unions, whether they  
3 contributed to police violence a great deal, a  
4 lot, a moderate amount, a little, not at all  
5 or not applicable.

6 Referring back to your response, you  
7 responded a great deal. Do you see that?

8 A. I do see that.

9 Q. Can you explain that answer.

10 A. You know, so again in the aftermath of the  
11 horrible murder of George Floyd, I looked to  
12 our own efforts here in Buffalo to implement  
13 various police reforms and was feeling very  
14 strongly at that time that the police union  
15 was an obstacle, the contract was an obstacle,  
16 the collective bargaining process in New York  
17 State was an obstacle to implementing all of  
18 the reforms and trainings that we wanted to  
19 implement.

20 Q. Has that view changed over time?

21 MR. SAHASRABUDHE: Form.

22 A. The view of the police union being an obstacle  
23 to reform has not fully changed. We have had

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MAYOR BYRON BROWN

1           these conversations with police union  
2           officials here locally and have expressed the  
3           view that police reform is good for everyone.  
4           It's good for our residents, it's good for our  
5           police officers and it makes our entire  
6           community safer.

7           Q. And what was the response to that position as  
8           you described it?

9           MR. SAHASRABUDHE: Objection to form.

10          A. So the president of the police union did not  
11          see things in the same way that I saw them and  
12          felt that the priority of the union was to  
13          protect the membership.

14          Q. And when you refer to the president of the  
15          police union who are you referring to?

16          A. John Evans.

17          Q. Is John Evans currently the president of the  
18          -- it's called the PBA, right?

19          A. Yes. The Police Benevolent Association. He  
20          is currently the president.

21          Q. When did you communicate with President Evans,  
22          PBA President Evans, about the need for police  
23          reform?

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—MAYOR BYRON BROWN—

1       A. At different points, you know, both in person  
2       and through contracts that police management  
3       and our law department have tried to negotiate  
4       with the union to put different reforms in  
5       place.

6       Q. And by contract negotiations are you referring  
7       to the police collective bargaining agreement?

8       A. Yes, I am.

9       Q. Do you personally have a role in PBA  
10      negotiations?

11      A. I do not sit at the table. The negotiating  
12      table in that process do strategize with the  
13      police management and the management of the  
14      law department and the finance department  
15      about other negotiating priorities.

16               At a certain point if things get to the  
17      point where my coming in and speaking to the  
18      police union or another union would be  
19      helpful, I would do that, but generally I am  
20      not involved in the negotiating process at the  
21      table.

22      Q. Okay. But you are kept informed of  
23      negotiations as they proceed?

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—MAYOR BYRON BROWN—

1 Q. Okay. Are there any steps that your  
2 administration has taken to increase the  
3 ability of officers to be disciplined for  
4 misconduct?

5 A. We would certainly like to increase the  
6 ability of officers to be disciplined for  
7 misconduct by the police commissioner and the  
8 commissioner's management, not just for  
9 misconduct as it relates to the potential of  
10 racial bias, but for a variety of other  
11 factors.

12 Again, New York State collective  
13 bargaining complicates the ability to achieve  
14 that and I think the achievement of certain  
15 reforms really is based on changes in federal  
16 and state law and not available at the city  
17 level.

18 Q. Even in the context of union negotiations?

19 A. In the context of union negotiations, unions  
20 will not give up certain rights and privileges  
21 and benefits that they don't have to.

22 Q. Isn't it the case that the City has entered  
23 into an agreement voluntarily that have

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MAYOR BYRON BROWN

1 weakened oversight of the BPD?

2 MR. SAHASRABUDHE: Objection to form.

3 A. Absolutely not. 100 percent not. The City  
4 has not entered into any agreement that would  
5 weaken the oversight of BPD. I think if the  
6 police commissioner and the commissioner's  
7 management were allowed certain powers under  
8 state law that there would be very few issues  
9 that would require external oversight.

10 Q. I'm not sure I follow your last statement. Do  
11 you want to clarify it?

12 A. My clarification is there are basic common  
13 sense things that the police commissioner and  
14 police management should be allowed to do in  
15 the way of discipline that laws do not allow,  
16 period, plain and simple. And if the police  
17 commissioner and the police management don't  
18 have certain levels of oversight under the  
19 law, it certainly is not going to be given to  
20 external entities.

21 Q. Okay. Would you agree that there are  
22 nonetheless policies that the City can  
23 implement that do bear on the question of

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